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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,463	08/25/2001	Raymond Anthony Joao	RJ275	3660

7590 12/28/2005
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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,463

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27 and 30-39 is/are rejected.
- 7) ☒ Claim(s) 28,29 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following:
 - a. They fail to comply with 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of
 - i. generating a notification message and transmitting the notification message, as recited in claim 28 (mentioned with regard to FIG. 11A-B on p.126 and FIG. 12A-B on p.136); and,
 - ii. administering a financial account, as recited in claim 29 (mentioned with regard to FIG. 12A-B on p.138-139),must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
 - b. The word existence is misspelled at step 1702 in FIG. 17.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-24, 26, 31, 32, 37, 38, 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 22 recites steps of identifying a candidate and transmitting information (FIG. 11A-B). This claim depends upon claim 21, which recites the steps of receiving a request and processing information, generating the campaign material, and disseminating the campaign material. The steps of claim 22 must be related to the steps in claim 21, since the scope of the steps overlap and are not depicted separately, in FIG. 11A-B. For example, the disseminating and transmitting steps are the same step as described and shown with regard to the embodiment of FIG. 11A-B.

b. Claim 24 recites steps of transmitting information and providing compensation (FIG. 11A-B). This claim depends upon claim 21, which recites the steps of receiving a request and processing information, generating the campaign material, and disseminating the campaign material. The transmitting step of claim 24 must be related to the steps in claim 21, since the scope of the steps overlap and are not depicted separately, in FIG. 11A-B. For example, the disseminating and transmitting steps are the same step as described and shown with regard to the embodiment of FIG. 11A-B.

c. Claim 26 recites the step of transmitting information (FIG. 12A-B). This claim depends upon claim 21, which recites the steps of receiving a request and processing information, generating the campaign material, and disseminating the campaign material. The transmitting step of claim 26 must be related to the steps in claim 21, since the scope of the steps overlap and are not depicted separately, in FIG. 11A-B. For example, the disseminating and transmitting steps are the same step as described and shown with regard to the embodiment of FIG.12A-B.

d. Claim 27 recites the step of generating an information report (FIG. 12A-B). This claim depends upon claim 21, which recites the steps of receiving a request and processing information, generating the campaign material, and disseminating the campaign material. The generating step of claim 27 must be related to the steps in claim 21, since the scope of the steps are not depicted separately, in FIG. 11A-B. For example, the generating steps are the same step as described and shown with regard to the embodiment of FIG.12A-B.

Further, it appears that applicant intended to claim generating an election report, since the description of the information contained therein is commensurate with the generating step of the embodiment described with regard to FIG. 11A-B, and not the generating step of FIG. 12A-B, which provides information distinct from that recited in claim 27. Clarification is required in response to this Office action.

Further, claim 27 recites the step of transmitting information (FIG. 12A-B). This claim depends upon claim 21, which recites the steps of receiving a request and

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processing information, generating the campaign material, and disseminating the campaign material. The transmitting step of claim 27 must be related to the steps in claim 21, since the scope of the disseminating and transmitting steps overlap and are not depicted separately in FIG. 11A-B. For example, the disseminating and transmitting steps are the same step 1211 as described and shown with regard to the embodiment of FIG. 12A-B.

e. Claim 31 recites disseminating the campaign material in a telephone message; however, claim 1 is limited to disseminating campaign information over at least one of the Internet and World Wide Web. These claims are in conflict with each other because the embodiment recited in claim 31 does not further limit claim 1.

f. Claim 32 recites disseminating the campaign material in a facsimile message; however, claim 1 is limited to disseminating campaign information over at least one of the Internet and World Wide Web. These claims are in conflict with each other because the embodiment recited in claim 31 does not further limit claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21, 22, 25-27, 30-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US-5218528).

a. Regarding claim 21, Wise teaches a computer-implemented method comprising: storing information for generating campaign material (ballot information); receiving a request to generate campaign material (diamond-shaped decision boxes between 214 and 215-217); processing information contained in the request (processing of diamond-shaped decision boxes, i.e., YES/NO path depending on processing outcome); generating the campaign material (e.g., outcome of boxes 215-217); receiving information regarding an individual (individual requester of absentee voting information); identifying the individual (individual registration number at box 280 for example); and disseminating the campaign material to the individual (e.g., box 284 in FIG. 2G).

The Wise method lacks the particular order of the steps as set forth in the claim. However, it would have been within the level of ordinary skill in the art at the time the invention was made to perform the process as claimed including the storing the information relevant to the individual to disseminate the appropriate campaign ballots using the registration information depicted in FIGS. 2A, 2G.

Further, Wise is capable of being implemented over the Internet or World Wide Web insofar as the information is transmitted among computers and/or communication devices (6:7-26).

b. Regarding claim 22, Wise teaches identifying a candidate (the ballot information inherently identifies the candidates because the candidates that are appropriate for a precinct or a particular election are listed on the ballot); and transmitting information regarding the candidate to a communication device (273-274 including diamond-shaped decision boxes that include transmitting information related to configuration, precinct, and absentee, as depicted in FIG. 2A, for example).

c. Regarding claim 25, the Wise ballot is a type of survey or poll.

d. Regarding claim 26, Wise includes transmitting information regarding the candidate is part of the ballot survey or poll that is transmitted to the communication device (273-274 including diamond-shaped decision boxes that include transmitting information related to configuration, precinct, and absentee, as depicted in FIG. 2A, for example).

e. Regarding claim 27, Wise includes generating a report (the ballot that is the campaign information that is generated in the process of FIG. 2A, 2G includes a report, as broadly recited, which includes the names of the candidates listed for each position or

office up for election) and transmitting information regarding the candidate is part of the ballot survey or poll that is transmitted to the communication device (273-274 including diamond-shaped decision boxes that include transmitting information related to configuration, precinct, and absentee, as depicted in FIG. 2A, for example).

f. Regarding claims 30-34, the Wise method is capable of sending e-mail, telephone, facsimile, video, audio, and text insofar as the use of known electronic data communication techniques are contemplated (8:3-5).

g. Regarding claims 35, 36 and 39, the examiner takes Official notice that interactive television and personal digital assistants are well known communication devices used for receiving and/or transmitting information over the Internet or World Wide Web. The decision as to which type of communication device to use for receiving and/or transmitting information over the Internet or World Wide Web is based on factors pertinent to the device user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wise to include at least one of an interactive television and personal digital assistant in order to make the information available to a wider voting audience insofar as the communication device used by an Internet or World Wide Web user is commonly a personal decision based on factor(s) pertinent to the particular user.

Response to Arguments

4. Applicant's arguments with respect to claims 21, 22, 25-27, 30-36 and 39 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 28, 29 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 23, 24, 37 and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

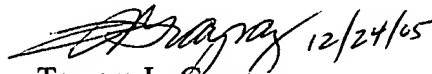
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamara L. Graysay
Examiner
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